



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

May 6, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ACCEPT GRANT FUNDS FROM THE STATE OF CALIFORNIA WATER
RESOURCES CONTROL BOARD TO IMPLEMENT THE ABOVEGROUND
PETROLEUM STORAGE TANK PROGRAM
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

The attached resolution will allow the Consolidated Fire Protection District of Los Angeles County (District) to apply for and accept grant funding from the State of California in the amount of at least \$215,753 to fund implementation activities for the Aboveground Petroleum Storage Tank (APST) Program for the first two years. Assembly Bill 1130 became law and took effect on January 1, 2008, which transferred responsibility for the APST program to the District, as the local Certified Unified Program Agency (CUPA) for Los Angeles County. Grant funding is available to fund implementation activities for the first two years. After two years, the governing body of the CUPA can adopt local fees to fund APST Program.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF
THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY:**

1. Approve and adopt the attached resolution to apply for and accept grant funding from the State Water Resources Control Board (SWRCB) to implement the Aboveground Petroleum Storage Tank (APST) Program. This grant will be at least \$215,753 and

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CALABASAS
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DIAMOND BAR
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HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
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PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

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RANCHO PALOS VERDES
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ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
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WHITTIER

will provide funding for the District to initially implement the program until January 1, 2010.

2. Authorize the Fire Chief or designee to sign any documents required by the SWRCB or the California Environmental Protection Agency (Cal-EPA) for administration and management of this grant.
3. Find that this action is exempt from the California Environmental Quality Act (CEQA).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Effective January 1, 2008, Assembly Bill 1130 transferred responsibility for inspection and enforcement of APST facilities to the local CUPA. The APST Program has always been one of the program elements for CUPA implementation; however, AB 1130 broadens local authority. Previously, CUPAs were only required to verify the existence of a Spill Prevention Countermeasures Control (SPCC) Plan and refer non-compliance to the SWRCB. The CUPA is now responsible for the implementation of the APST Program.

The SWRCB collected fees from APST facilities and placed the funds into a trust account because they were not actively implementing the program. These accumulated monies will be used to fund grants to implement activities for the first two years.

The District's Health Hazardous Materials Division has developed a program to implement the APST Program for the first two years. The goals of this program are to:

- Fully identify the regulated universe within the jurisdiction of the Los Angeles County CUPA (LACoCUPA) subject to the APST Program.
- Develop policies and procedures to implement the APST Program.
- Develop an outreach plan for affected businesses to explain the program and applicable requirements.
- Train and certify inspectors for the APST Program as required by AB 1130.
- Conduct a sufficient number of inspections and associated enforcement activities to determine the costs of full program implementation.
- Prior to January 1, 2010, develop and submit, for your Honorable Board's consideration, a fee proposal to fund the costs of program.

Implementation of Strategic Plan Goals

Approval of the recommended action is consistent with the County's Strategic Plan Goal #1, Service Excellence, because it supports further consolidation of the environmental programs under the CUPA. Approval of the recommended action is also consistent with the County's Strategic Plan Goal #4, Fiscal Responsibility, because it takes advantage of grant funding from the State of California for the initial two years of implementation of the APST Program.

FISCAL IMPACT/FINANCING

The estimated initial implementation cost of the APST Program is approximately \$100,000 per year. The District will receive grant funding of at least \$215,753 for the initial two years of the program. The amount will pay for the initial implementation as explained above. Grant funding may be more than the amount specified after the full extent the regulated universe is identified and updated information provided to Cal-EPA. Cal-EPA may then adjust the grant amounts based on the updated information.

Prior to January 1, 2010, the District will present a fee proposal to your Honorable Board to continue to fully fund program implementation costs. There is no impact on net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Assembly Bill 1130 became law, effective January 1, 2008, and transferred responsibility for implementation of the APSA Program to the local CUPA. The APSA Program covers facilities where the aggregate volume of petroleum related products stored in aboveground storage tanks equals or exceeds 1,320 gallons. Facilities are required to prepare and maintain a SPCC Plan to prevent and mitigate releases. Facilities where aggregate volumes stored exceed 10,000 gallons are subject to triennial inspections by the CUPA to ensure all aspects of the program are being met. Inspectors must be trained and certified by Cal-EPA before conducting any inspections. Training will be provided by Cal-EPA during the summer of 2008.

There are approximately 450 facilities subject to APSA Program requirements within the jurisdiction of the LACoCUPA and around 200 of these facilities exceed 10,000 gallons in aggregate volume and are subject to the triennial inspection requirement. These numbers will be further refined during the initial two years of program implementation where a concentrated effort will be made to identify all regulated facilities.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current services provided. Program costs during the first two years of implementation will not exceed the grant authorized funding level and will be used primarily to gather information on the regulated facility universe and the full costs of program to determine future fee levels.

ENVIRONMENTAL DOCUMENTATION

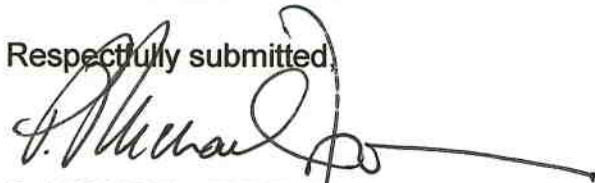
The acceptance of the grant and its administration are exempt from CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines because they will not have a significant effect on the environment.

CONCLUSION

Upon approval by the Board of Supervisors, please instruct the Executive Officer to return adopted copies of this letter to:

1. Los Angeles County Consolidated Fire Protection District
Executive Office
1320 N. Eastern Avenue
Los Angeles, CA 90063
2. Los Angeles County Consolidated Fire Protection District
Health Hazardous Materials Division
5825 Rickenbacker Road
Commerce, CA 90040
Attention: William Jones, Division Chief

Respectfully submitted,



P. MICHAEL FREEMAN

PMF:yh

Attachment

- c: William T Fujioka
R. Doyle Campbell, Deputy CEO
Vicky Santana
Randi Tahara
Joseph Charney
Rick Velasquez
Sussy Nemer
County Counsel
Auditor-Controller

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
AUTHORIZING THE FIRE CHIEF OR HIS REPRESENTATIVE TO ENTER INTO AN
AGREEMENT WITH THE STATE OF CALIFORNIA AND TO SIGN THE AGREEMENT AND
ANY ADMENDMENTS THERETO TO IMPLEMENT THE ABOVEGROUND PETROLEUM
STORAGE TANK ACT AND SEEK GRANT FUNDING FROM THE STATE**

WHEREAS, AB 1130 was enacted into law transferring authority to implement the Aboveground Petroleum Storage Tank Program to the local Certified Unified Program Agency (CUPA);

WHEREAS, the Consolidated Fire Protection District of Los Angeles County was certified as the local CUPA by the State of California for Los Angeles County, effective July 1, 1997;

WHEREAS, the CUPA is responsible for implementation of Aboveground Petroleum Storage Tank (APST) program effective January 1, 2008;

WHEREAS, the grant funding for the APST program in the amount of \$215,753 is available from the State of California to pay for costs of implementation for the initial two years of the program;

WHEREAS, eighty percent (80%) of the grant amount will be provided initially upon application and the remaining twenty percent (20%) of the grant amount will be provided at the end of the two-year period covered under the grant;

WHEREAS, there is a moratorium on the application of local fees for the APST program until January 1, 2010;

WHEREAS, annual permit fees for the APST program will be established to recover the costs of program implementation after January 1, 2010;

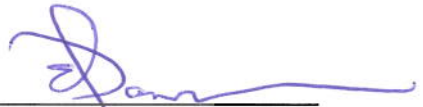
NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Los Angeles, acting as the governing body of the Consolidated Fire Protection District of Los Angeles County hereby authorizes the Fire Chief of the Consolidated Fire Protection District of Los Angeles County or his designee to execute and amend the grant agreements with California Environmental Protection Agency for the implementation of the Aboveground Petroleum Storage Tank program, verifying invoices are accurate and certifying Los Angeles County is in compliance with all applicable laws and regulations.

The foregoing resolution was on the 6TH day of MAY, 2008, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of the Consolidated Fire Protection District of Los Angeles County and other authorities for which said Board so acts.



APPROVED AS TO FORM:

SACHI A. HAMAI
Executive Office-Clerk of the
Board of Supervisors
of the County of Los Angeles

By: 
Deputy

RAYMOND G. FORTNER, JR.
County Counsel

By: 
Deputy